

ASSEMBLY BILL

No. 2166

Introduced by Assembly Member Chesbro

February 18, 2010

An act to amend Section 6529 of the Government Code, relating to joint exercise of powers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2166, as introduced, Chesbro. Joint powers agreement: public agencies.

Existing law authorizes the Elk Valley Rancheria Tribal Council, as the governing body of the Elk Valley Rancheria, California, a federally recognized Indian tribe, to enter into a joint powers agreement with the County of Del Norte and the City of Crescent City, or both, and deems that joint powers agency to be a public agency for this purpose. Existing law also prohibits the joint powers authority from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985, unless the funded public improvements will be owned and maintained by the authority or one or more public agency members and the revenue streams pledged to repay the bonds derived from the authority or one or more of its public agency members.

This bill would provide that the Smith River Rancheria Tribal Council, as the governing body of the Smith River Rancheria, California, a federally recognized Indian tribe, may enter into a joint powers agreement with the County of Del Norte, the City of Crescent City, or both, and is a public agency for purposes of the law relating to joint powers agencies, and would extend the prohibition against issuing bonds for public improvements except under specified circumstances to this authority.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6529 of the Government Code is amended
2 to read:

3 6529. (a) (1) The Elk Valley Rancheria Tribal Council, as the
4 governing body of the Elk Valley Rancheria, California, a federally
5 recognized Indian tribe, may enter into a joint powers agreement
6 with the County of Del Norte and the City of Crescent City, or
7 both, and shall be deemed to be a public agency for purposes of
8 this chapter.

9 (2) *The Smith River Rancheria Tribal Council, as the governing*
10 *body of the Smith River Rancheria, California, a federally*
11 *recognized Indian tribe, may enter into a joint powers agreement*
12 *with the County of Del Norte and the City of Crescent City, or*
13 *both, and shall be deemed to be a public agency for purposes of*
14 *this chapter.*

15 (b) On and after January 1, 2004, the joint powers authority
16 created pursuant to subdivision (a) shall not have the power to
17 authorize or issue bonds pursuant to the Marks-Roos Local Bond
18 Pooling Act of 1985 (Article 4 (commencing with Section 6584)
19 *of Chapter 5 of Division 7*) unless the public improvements to be
20 funded by the bonds will be owned and maintained by the authority
21 or one or more of its public agency members, and the revenue
22 streams pledged to repay the bonds derive from the authority or
23 one or more of its public agency members.

24 SEC. 2. The Legislature finds and declares that a special law
25 is necessary and that a general law cannot be made applicable
26 within the meaning of Section 16 of Article IV of the California
27 Constitution because of the unique circumstances affecting the
28 Smith River Rancheria Tribal Council.